

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
MICHAEL KRECHMER, a/k/a "Michael Malice", an individual,

Plaintiff(s),

-v-

ANDREA K. TANTAROS, an individual; and

ASTERO, LLC, a New Jersey limited liability company,
-----Defendant(s).
----- X

16 Civ. 7820 (KBF)

SCHEDULING ORDER

KATHERINE B. FORREST, District Judge:

The parties propose the following schedule for this matter:

1. All parties [do ☐ / do not ☒] consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.¹
2. Amended pleadings may not be filed, and no party may be joined, without leave of Court more than 10 days after the filing of this Order or the filing of a responsive pleading, whichever occurs first.
3. Close of fact discovery: May 16, 2018. [within 6 months unless the case is particularly complex]
4. Close of expert discovery: June 11, 2018. [25 days after the close of fact discovery for all but the most complex cases; for particularly complex cases, 60 days after the close of fact discovery; the parties are to negotiate interim dates regarding expert witnesses]

The parties contemplate experts in this matter for the following subject(s):

Authorship; Book Marketing Projections

5. [For F.L.S.A. actions only] Plaintiff(s) [do ☐ / do not ☐] anticipate making a motion for conditional certification of a collective action under 29 U.S.C. § 216(b). Plaintiff(s) shall include a proposed notice with the opening brief.

¹ If all parties so consent, they should execute a consent form (available at <http://www.nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>) and submit it to the Court via e-mail, along with this proposed order.

Section 216(b) proposed briefing schedule:

Opening: _____ [30 days after initial conference]
 Opp'n: _____ [21 days after opening brief]
 Reply: _____ [7 days after opposition brief]

6. Motions may be brought at any time. The last opportunity to file any motion (other than in limine and Daubert motions) are set forth below.

Proposed briefing schedule:

Opening: May 30, 2018 [no later than 14 days following item 3]
 Opp'n: June 20, 2018 [generally 21 days after opening brief]
 Reply: June 27, 2018 [generally 7 days after opposition brief]

7. Trial [☒] / will not [☐] be before a jury.²

DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 8-11.

8. The next status conference is set for 2/6/18 at 1:30 pm (telephonic)
 9. Pretrial materials, including the Joint Pretrial Order ("JPTO"), are due:

10. The Final Pretrial Conference ("FPTC") is set for _____ at _____.

Motions in limine are due two weeks before FPTC; oppositions are due one week later. Daubert motions are due four weeks before FPTC; oppositions are due two weeks later. (No replies.)³

11. Trial in this matter shall commence on 9/10/18. Trial is anticipated to take _____ [days / weeks].

Settlement discussions must occur in parallel to this schedule (schedule will not be adjourned, except in very unusual situations, for settlement discussions).

SO ORDERED.

Dated: New York, New York

11/17, 2017


 KATHERINE B. FORREST
 United States District Judge

² Checking this box does not constitute a formal jury demand under Fed. R. Civ. P. 38(b). It serves a purely administrative function.

³ Deadlines for motions in limine and Daubert motions are generalized and subject to change. The parties may request to modify the schedule if desired.